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TRANSMITTAL FORM <i>(to be used for all correspondence during pendency of filed application)</i>	003/PTO Rev. 10/95	U.S. Department of Commerce Patent and Trademark Office	Application Number	09/854,153 SEP - 4 2001
			Filing Date	May 11, 2001 2800 MAIL ROOM
			First Named Inventor	Laurence J. Newell
			Group Art Unit Number	2874
			Examiner Name	Unassigned
Total Number of Pages in This Submission		8	Attorney Docket Number	20852-05133

ENCLOSURES (check all that apply)	
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Attorney/Reg. No.:	Michael W. Farn, Reg. No. 41,015	Dated:	August 24, 2001

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PATENT

IN THE UNITED STATES
PATENT AND TRADEMARK OFFICE

APPLICANT(S): Laurence J. Newell and James F. Coward
APPLICATION NO.: 09/854,153
FILING DATE: May 11, 2001
TITLE: Channel gain control for an optical communications system
utilizing frequency division multiplexing
EXAMINER: Unassigned
GROUP ART UNIT: 2874
ATTY. DKT. NO.: 20852-05133

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INFORMATION DISCLOSURE STATEMENT
Under 37 CFR §§ 1.56 and 1.97-98

SIR:

Pursuant to the provisions of 37 CFR §§ 1.56 and 1.97-98, enclosed herewith is modified form PTO-1449 listing references for consideration by the Examiner. A copy is enclosed herewith of each listed reference which may be material to the examination of this application, and with respect to which there may be a duty to disclose.

The filing of this Information Disclosure Statement shall not be construed as a representation regarding the completeness of the list of references, or that inclusion of a reference in this list is an admission that it is prior art or is pertinent to this application, or that a search has been made, or as an admission that the information listed is, or may be considered to be, material to patentability, or that no other material information exists, and shall not be construed as an admission against interest in any manner.

- ☒ This application relies, under 35 U.S.C. § 120, on the earlier filing date of prior applications Serial No. 09/571,349, filed on May 16, 2000, and Serial No. 09/569,761, filed on May 12, 2000, and the references cited therein are hereby referenced, but are not required to be provided in this application under 37 CFR § 1.98(d).

The Information Disclosure Statement submitted herewith is being filed:

- ☒ within three months of the filing date of the application, or date of entry into the national stage of an international application, or before the mailing date of a first official action on the merits, whichever event last occurred;
OR
- ☐ before the mailing of a first official action after the filing of a request for continued examination (RCE) under 37 CFR § 1.114;
- ☐ after three months of the filing date of this national application or the date of entry of the national stage in an international application, or after the mailing date of the first official action on the merits, whichever event last occurred, but before the mailing date of the first to occur of either:
- (1) a final action under 37 CFR §1.113; OR
 - (2) a notice of allowance under 37 CFR §1.311; AND
- ☐ attached hereto is the fee of \$180, as set forth under 37 CFR §1.17(p), for submission of this Information Disclosure Statement under 37 CFR. § 1.97(c); OR
- ☐ Applicant certifies pursuant to 37 CFR § 1.97(e) that:
- ☐ each item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Statement;
OR
- ☐ no item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application or, to the knowledge of the person signing this certification after making reasonable inquiry, was known to any individual designated under 37 CFR § 1.56(c) more than three months prior to the filing of this Statement.

OR

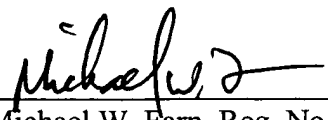
- ☐ before the payment of the issue fee but after the mailing date of the first to occur of either:
- [1] a final action under 37 CFR § 1.113; OR
 - [2] a notice of allowance under 37 CFR § 1.311; AND
- in accordance with the requirements of 37 CFR § 1.97(d):
- ☐ Applicant certifies pursuant to 37 CFR. § 1.97(e) that:
- ☐ each item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Statement; OR
 - ☐ no item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application or, to the knowledge of the person signing this certification after making reasonable inquiry, was known to any individual designated under 37 CFR § 1.56(c) more than three months prior to the filing of this Statement; AND
- ☐ Applicant hereby respectfully petitions for the consideration of the accompanying Information Disclosure Statement under 37 CFR § 1.97(d)(2); AND
- ☐ Applicant submits the petition fee of \$180 as set forth in 37 CFR § 1.17(p).

☒ Applicant submits that no fee is required for the consideration of the accompanying Information Disclosure Statement.

Consideration of the listed references and favorable action are solicited.

Respectfully submitted,
LAURENCE J. NEWELL et al.

Dated: August 24, 2001

By: 
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